Last Will and Testament

of

{pname}



**LAST WILL AND TESTAMENT**

**OF**

**{pname}**

**I**, **{pname}**, a resident of and domiciled in the County of {countyres}, State of Florida, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me.

**FIRST**: I direct that the expenses of my last illness and funeral, the expenses of the administration of my estate, and all estate, inheritance and similar taxes payable with respect to property included in my estate, whether or not passing under this will, and any interest or penalties thereon, shall be paid out of my residuary estate, without apportionment and with no right of reimbursement from any recipient of any such property (including reimbursement under Section 2207B of the Internal Revenue Code). The provisions of this Article FIRST shall not apply to the extent that contrary provisions concerning the payment or apportionment of any such taxes have been or shall be made in any inter vivos instrument executed by me relating to any insurance, trusts, gifts or other transfers, jointly owned property or accounts, or property subject to power of appointment.

**SECOND**: I give all the rest, residue and remainder of my property and estate, both real and personal, of whatever kind and wherever located, that I own or to which I shall be in any manner entitled at the time of my death (collectively referred to as my "residuary estate"), to the trustee under the following trust to be held and disposed of in accordance with the terms, covenants and conditions of such trust: **{nameoftrust}**. Income and principal distributed by my personal representative shall be deemed income and principal, respectively, by the trustee.

**THIRD**: I authorize my personal representative, in addition to any rights conferred by law and in the absolute discretion of my personal representative, and without the consent of any court having jurisdiction over my estate, to disclaim or renounce, in whole or in part or with respect to specific amounts, parts, fractional shares or assets, any legacy, devise, or interest in or privilege or power over any trust or other disposition provided for my benefit under the will or other instrument of any person at any time within nine months after the date of the transfer (whether by reason of such person's death or otherwise) which created an interest in me.

I authorize any person, in addition to any rights con­ferred by law, at any time within nine months after my death, to disclaim or renounce, in whole or in part or with respect to specific amounts, parts, fractional shares or assets, any devise, legacy, interest, right, privilege, or power granted to that person by this will. Any such disclaimer or renunciation shall be made by a duly acknowledged, irrevocable, written instrument executed by that person or by his or her conservator, guardian, committee, attorney-in-fact, personal representative, executor, or administrator, delivered to my personal representative and filed in accordance with any requirements of applicable law. Any person considering making a disclaimer or renunciation should consult an attorney.

**FOURTH**: If any property of my estate vests in absolute ownership in a minor or incompetent, my personal representative, at any time and without court authorization, may: distribute the whole or any part of such property to the beneficiary; or use the whole or any part for the health, education, maintenance and support of the beneficiary; or distribute the whole or any part to a guardian, committee or other legal representative of the beneficiary, or to a custodian for the beneficiary under any gifts to minors or transfers to minors act, or to the person or persons with whom the beneficiary resides. Evidence of any such distribution or the receipt therefor executed by the person to whom the distribution is made shall be a full discharge of my personal representative from any liability with respect thereto, even though my personal representative may be such person. If such beneficiary is a minor, my personal representative may defer the distribution of the whole or any part of such property until the beneficiary attains the age of twenty-one (21) years, and may hold the same as a separate fund for the beneficiary with all of the powers described in Article SIXTH hereof. If the beneficiary dies before attaining said age, any balance shall be paid and distributed to the estate of the beneficiary.

**FIFTH**: I appoint {a1name} to be my personal representative. If {a1name} shall fail to qualify for any reason as my personal representative, or having qualified shall die, resign or cease to act for any reason as my personal representative, I appoint {a2name} as my personal representative. I direct that no personal representative shall be required to file or furnish any bond, surety or other security in any jurisdiction.

**SIXTH**: I grant to my personal representative all pow­ers conferred on personal representatives and executors under the Florida Probate Code, as amended, or any successor thereto, and all powers conferred upon personal representatives and executors wherever my personal representative may act. I also grant to my personal representative power to retain, sell at public or pri­vate sale, exchange, grant options on, invest and reinvest, and otherwise deal with any kind of property, real or personal, for cash or on credit; to borrow money and encumber or pledge any property to secure loans; to pay any legacy or distribute, divide or partition property in cash or in kind, or partly in kind, and to allocate different kinds of property, disproportionate amounts of property and undivided interests in property among any parts, funds or shares; to determine the fair valuation of property, with or without regard to tax basis; to exercise all powers of an absolute owner of property; to compromise and release claims with or without consideration; and to employ attorneys, accountants and other persons for services or advice.

In connection with the preparation of any tax return for me or my estate, I authorize my personal representative: to determine whether to elect to qualify any property as qualified terminable interest property for federal and/or state estate tax purposes; to make any election available under Section 2652(a)(3) of the Internal Revenue Code with respect to qualified terminable interest property as my personal representative may deem advis­able; to make any election available with respect to Chapter 13 of the Internal Revenue Code and to allocate the same to property eligible for such allocation, whether or not such property is held hereunder, including property transferred by me during my life as to which I did not make an allocation prior to my death, in such amounts and proportions as my personal representative may deem advisable; to determine whether to include or exclude any item of property; to determine within permitted limits the date of valuation of my estate; to determine whether certain deductions shall be taken as income tax deductions or estate tax deductions; and to determine whether to adjust between principal and income. The term "personal representative" wherever used herein shall mean the personal representatives, executors, execu­tor, executrix or administrator in office from time to time.

**SEVENTH**: If any beneficiary under this will and I die in a common accident or under circumstances in which it is diffi­cult or impractical to determine who survived the other, such beneficiary shall be deemed to have predeceased me.

**IN WITNESS WHEREOF**, I, {pname}, sign, seal, publish and declare this instrument as my last will and testament this \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{pname}

The foregoing instrument was signed, sealed, published and declared by {pname}, the above-named Testator, to be his last will and testament in our presence, all being present at the same time, and we, at his request and in his presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

print:

residing at

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

print:

residing at

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**AFFIDAVIT**

STATE OF FLORIDA

ss:

COUNTY OF {COUNTYSIGNED}

I, {pname}, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my last will and testament.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{pname}

Testator

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's last will and testament and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and each other.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

print:

Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

print:

Witness

Acknowledged and subscribed before me by the said {pname}, Testator, who is [ ] personally known to me or who has produced [ ] State Driver's License / [ ] Passport / [ ] Other: as identification, and sworn to and subscribed before me by the said \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is [ ] personally known to me or who has produced [ ] State Driver's License / [ ] Passport / [ ] Other: as identification,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is [ ] personally known to me or who has produced [ ] State Driver's License / [ ] Passport / [ ] Other: as identification, as witnesses, and subscribed by me in the presence of the Testator and the subscribing witnesses, all on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public